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Universal North America Insurance Company

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNIVERSAL NORTH AMERICA  
INSURANCE COMPANY )  
Plaintiff,  
vs.  
MATTHEW A. CATHCART, individually;  
CHERYLE T. CATHCART, individually;  
and JOHN DOES 1-100, inclusive, and  
JANE ROES 1-20, inclusive,  
Defendants.

Case No. 2:13-cv-01767-RCJ-GWF

**DISCOVERY STATUS REPORT**  
**AND PROPOSED MODIFIED DISCOVERY PLAN -- Seventh Request**

COMES NOW the parties, by and through their respective counsel of record, and pursuant to this Court's Order of July 30, 2015 [Dkt. 62] hereby submit to the Court a Discovery Status Report and a revised proposed Discovery Plan on this matter. At the time of the July 30, 2015 hearing, the Court requested that the parties file an updated Discovery Status Report after the District Court had ruled on a pending Motion to Dismiss Defendants' Third Party Complaint, which sought to bring certain third-party subcontractors to this litigation.<sup>1</sup> Plaintiff's Motion to Dismiss was heard by the Court on July 6, 2015, and following the arguments of counsel, the Court dismissed the proposed Third-Party Complaint with prejudice. However, the Court went

<sup>1</sup>As the Court might recall from the parties' discovery hearing, there is a companion litigation against these third-party subcontractors presently filed and ongoing in the Nevada State Court System.

on to give the Defendants fourteen (14) days to file an Amended Counterclaim should they desire to do so (see Order of July 6, 2015 [Dkt. 64]).

Counsel for the Defendants has indicated that he intends to file an Amended Counterclaim within the next 3 to 4 days. Additionally, counsel for the respective parties have consulted with counsel for the State Court Defendants and an agreement has been reached whereby the discovery taken in either the State or Federal Court cases can be used, to the extent possible, in both litigations, thereby conserving both time and expense. Having reached that understanding and having consulted with the counsel for the proposed State Court Defendants regarding the discovery remaining to be undertaken, the parties would propose that the Discovery Plan approved by the Court at the July 30, 2015 hearing be modified as follows:

1. That the discovery cutoff date of September 24, 2015, shall be extended to November 29, 2015.

2. That the date for filing Motions to Amend the Pleadings or to Add Parties shall be extended from June 24, 2015 to August 24, 2015.

3. That the initial expert disclosure deadline of July 24, 2015 shall be extended to September 24, 2015.

4. That the rebuttal expert disclosure deadline of August 24, 2015 shall be extended to October 24, 2015.

5. That the Interim Status Report due date of July 24, 2015 shall be extended to September 24, 2015.

6. That the deadline to file all Pretrial Motions, including, but not limited to, discovery motions, Motions to Dismiss, Motions for Summary Judgment and dispositive motions of October 26, 2015 shall be extended to December 29, 2015.

7. That the deadline to submit the parties' Joint Pretrial Order of November 25, 2015 shall be extended to January 25, 2016, which is not more than thirty (30) days after the date set for filing dispositive motions in the case. This date is suspended if the dispositive motions are timely filed. The disclosures required by F.R.C.P. 26(a)(3) shall be made in the Joint Pretrial Order.

1           8. The last day for the parties to file a Motion and/or Stipulation to Extend Discovery  
2 shall be extended to December 21, 2015.

3           The parties believe that the requested modification of the Discovery Plan is necessary in  
4 order to allow both them and the Third-Party Defendants sufficient time to take all of the  
5 depositions necessary to adequately prepare their respective cases for trial. The parties represent  
6 to the Court that this proposed modification is made in good faith and not merely for the  
7 purposes of delay.

8           WHEREFORE, the parties hereto respectfully request that this Court enter an Order  
9 adopting the revised Discovery Plan set forth in this request.

10           RESPECTFULLY SUBMITTED this 17th day of July, 2015.

11           OLSON, CANNON, GORMLEY  
12           ANGULO & STOBERSKI

JUDD J. BALMER, ESQ., LTD.

13           BY: /s/ Walter R. Cannon  
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BY: /s/ Judd J. Balmer  
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Attorney for Defendants

19           IT IS SO ORDERED.

20             
UNITED STATES MAGISTRATE JUDGE

21           Dated: July 21, 2015

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